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GEORGE RIOS, Assistant City Attorney (#77908)
COLLEEN WINCHESTER, Sr. Deputy City Attorney (#148221)
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Attorneys for CITY OF SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CAROLYN H. FRIIS,

Judgment Creditor,

v.

CITY OF SAN JOSE,

Judgment Debtor.

Case Number: CV 08-80027 MISC RMW

**DECLARATION OF COLLEEN D.
WINCHESTER IN SUPPORT OF CITY'S
MOTION TO VACATE, STRIKE AND
SEAL PURPORTED "FOREIGN AND
APOSTILLED JUDGMENTS"**

Hearing Date: September 19, 2008
Time: 9:00 a.m.
Courtroom.: 6
Judge: Hon. Ronald M. Whyte

I, Colleen Winchester, declare:

1. I am an attorney licensed to practice law before all Courts of the State of California and the Northern District and am employed as a Senior Deputy City Attorney for the City of San Jose. I have personal knowledge of the facts as set forth in this declaration and, if called upon to do so, could testify competently to the matters herein.

2. Attached as Exhibit "A" is a true and correct copy of the Notice of Public Recording/Filing of Foreign Judgment filed in this Court on March 6, 2008.

3. Attached as Exhibit "B" is a true and correct copy of the Notice of Public Recording/Filing of Apostilled Judgment filed in this Court on March 10, 2008.

4. Each of the purported “judgments” indicates that it was “the result of Private Administrative Proceeding/Alternative Dispute Resolution between Carolyn H. Friis and the CITY OF SAN JOSE” and was issued by a notary, apparently after the City failed to respond to a letter written by Ms. Friis.

5. All legal actions involving the City of San José are forwarded to the City Attorney's Office. I have reviewed the data base of all open and closed files within the City Attorneys' office. There are no actions brought by Ms. Friis against the City of San José. I further reviewed the Santa Clara County Superior Court website to search for civil filings by Ms. Friis, I was unable to locate any filings by Ms. Friis against the City of San José

6. The only proceedings between Carolyn Friis and the City of San José are actions brought by the City for code enforcement problems on the property located at 1752 Guadalupe Avenue in San José. Specifically, a citation that was issued by the City against Ms. Friis in November 2007. In addition, there was a prior administrative proceeding the City brought against Ms. Friis in 1999 for code violations on the Property.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct and that I could competently testify thereto if called as a witness. As to those matters alleged on information or belief, I am informed and believe them to be true and correct.

Executed this 12th day of August, 2008, in San Jose, California.

/s/

COLLEEN D. WINCHESTER
Sr. Deputy City Attorney

EXHIBIT A

Carolyn H Friis
1752 Guadalupe Ave
San Jose, California 95113

E-filing

UNITED STATES DISTRICT COURT
NORTHERN CALIFORNIA - San Jose

Filed

MAR - 6 2008

RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Carolyn H Friis
Judgment Creditor

Case No.

v

CITY OF SAN JOSE, a corporation
dba FEIN 946000419,

770250396, 942044864, et al

Judgement Debtor

CV 08 - 80027 MISC.

Notice of Public Recording/Filing of
FOREIGN JUDGMENT

RMW

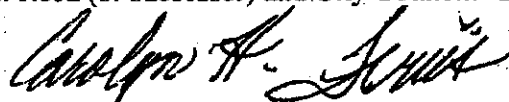
RS

Please take notice that I have recorded in the US District Court - No. California, San Jose Division as a Miscellaneous Matter "002chf SJ Certificate of Protest / Judgment" (2 pgs) which was issued on March 5, 2008 and was served on the City of San Jose as part of "003chf SJ Certificate of Service" (13 pgs). This Judgment is the result of Private Administrative Proceeding/Alternate Dispute Resolution between Carolyn H Friis and the CITY OF SAN JOSE, a corporation.

Judgment Creditor Carolyn H Friis will use the Foreign Judgment in future proceedings as needed. Any tampering with this Judgment requires the same security for satisfaction of the Judgment which is required in the State of California.

Said Foreign Judgment is established under Notary Court Seal and filed pursuant to Calif CCP 1713, et seq and pursuant to Rule 62(f) of the Federal Rules of Civil Procedure.

A copy of this recording will be served this date on City of San Jose, 200 E. Santa Clara St, San Jose, CA 95113; attn: Mayor Chuck Reed (or successor) and City Council. Copy of Proof of Service available upon request.


Carolyn H Friis, Judgment Creditor

attachments: 002chf SJ Judgment (2 pgs) which is part of the following Service:
003chf SJ Certificate of Service & associated documents (13 pg)

004chf SJ Notice of Public Filing/Recording of Foreign Judgment

Notice of Issuance of CERTIFICATE OF PROTEST / JUDGMENT
&
CERTIFICATE OF SERVICE

Tracking # 003chf

Whereas I am not aware of any response/objection from the City of San Jose, and Carolyn H Friis says that she is not aware of any response/objection from the City of San Jose to the proposed Judgment; ie, "002chf sj Certificate of Protest / Judgment" and whereas the City of San Jose has had adequate lawful time to respond but hasn't, therefore I, as a Notary Public of the State of California hereby issue "002chf sj Certificate of Protest / Judgment" on this date as indicated below. See attached copy of "002chf sj Certificate of Protest / Judgment."

On the date indicated below I placed the documents listed below in a sound envelope, sealed it, attached adequate Postage fee and mailed it via USPS Certified Mail 7006 0100 0005 5405 0157 to:

CITY OF SAN JOSE
200 E. SANTA CLARA ST.
SAN JOSE, CA 95113

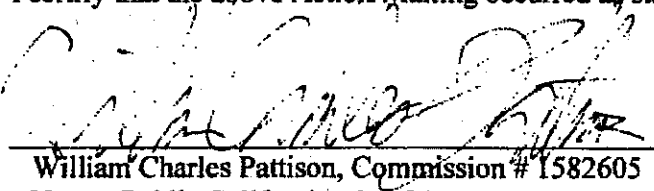
attn: Mayor Chuck Reed (or successor) and the City Council

003chf SJ Certificate of Service (this page)	(1 pg)
002chf SJ Certificate of Protest / Judgment	(2 pgs)
002chf Certificate of Service, Feb 20, 08 & included documents	(10 pgs)

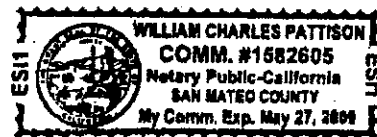
Total Number of Pages - 13

Date: March 5, 2008

I certify that the above Action/Mailing occurred as stated.


William Charles Pattison, Commission # 1582605
Notary Public California ; San Mateo County
910 South Grant Street
San Mateo, CA 94402

SEAL



CERTIFICATE OF PROTEST / JUDGMENT

Tracking # 002chf sj Certificate of Protest / Judgment

CITY OF SAN JOSE, a corporation and its Agents.

vs

Carolyn H Friis, private Citizen and Creditor

As a Notary Public for the State of California, County of San Mateo, I hereby issue this Certificate of Protest; Judgment, Stipulation, Consent Agreement, Contract (hereinafter 'Judgment') pursuant to California Commercial Code 3505 in favor of Carolyn H Friis (hereinafter 'Ms Friis') against the City of San Jose, it's Mayor and each member of the City Council and each employee involved in the ultra vires raid on November 14, 2007 on the private property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property').

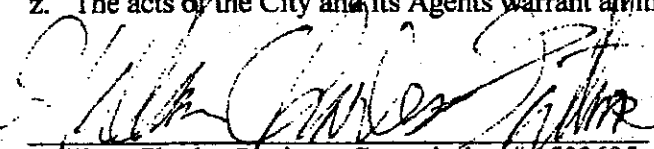
Ms Friis has notified me that she has no knowledge of nor has she been presented with any material fact or evidence that the City of San Jose or any of it's agents have rebutted or even responded to Ms Friis' Presentments served on the City on February 8, 2008 (001chf sj, copies attached) and on February 20, 2008. I have no evidence that the foregoing is not true, correct and not misleading.

Therefore, due to lack of rebuttal, response or objection by the City of San Jose or it's Agents to Ms Friis' presentments the following Certificate of Protest / Judgment is issued:

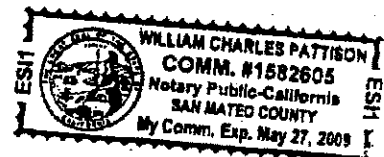
The City of San Jose, the Mayor and the City Council agree that:

- a. the corporate City of San Jose is a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.
- b. the corporate City of San Jose does not have authority to exert acts of ownership and control over the property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property')
- c. the corporate City of San Jose has no interest, ownership or other in the subject property.
- d. the raid and search of the subject property on November 14, 2007 was done only under the color of law without support of a sworn Affidavit of Probable Cause.
- e. the Mayor, each City Council member and each employee participating in the raid on the subject property on November 14, 2007 did so under color of law, statute, ordinance, regulation, and custom and did willfully, knowingly and intentionally conspire to oppress, threaten, and intimidate Ms Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.
- f. The corporate City of San Jose and it's Officers/Employees are individually and collectively liable for damages to Ms Friis, her friends and the subject property as the result of the unlawful raid.
- g. the armed impersonators who raided the subject property have not taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.
- h. The Citation # J 3147256 and any other Citations purportedly issued on November 14, 2007 is/are null and void ab initio.

- i. the proceeding against Ms Friis is a commercial proceeding governed by commercial law.
- j. Ms Friis' signature does not appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution or the State of California.
- k. Carolyn H. Friis is not the Trustee of the Guadalupe Acres Trust.
- l. Carolyn H. Friis is the Beneficiary of the Guadalupe Acres Trust.
- m. The Supreme Court did rule that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see Palazzolo v. Rhode Island 533 US 606, 150 L.Ed. 2d 592, 121 S.Ct. ____ (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both Lucas v. South Carolina Coastal Council, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butterfly activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and Monterey v. Del Monte Dunes, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. ____ (1998). In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale.
- n. all parties involved in a proceeding must participate in and seek non-judicial, private administrative resolution before seeking judicial review.
- o. Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal.
- p. an affidavit sworn true, correct and complete stands as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.
- q. failure of an entity to supply information which it can provide or construct, supports an inference that those materials if unearthed would contradict the position of the entity.
- r. City of San Jose silence to Ms Friis' Affidavits, Counterclaims, etc (hereinafter 'Affidavits') means City acquiescence to Carolyn H Friis' Affidavits in a manner most favorable to Ms Friis and her friends.
- s. In Commerce, Truth is sovereign.
- t. An un-rebutted Affidavit stands as Truth in Commerce.
- u. No more than an affidavit is necessary to make the prima facia case.
- v. Silence is equated to agreement and acceptance.
- w. Ms Friis has exhausted her Administrative Remedies and may seek remedy; Judicial or otherwise as provided by the law.
- x. In harmony with Monterey v. Del Monte Dunes, 526 US 687 (1999), supra, Ms Friis is empowered to make a claim upon the official bond or insurance of the City of San Jose in the amount of \$8,000,000.
- y. If the City of San Jose or any Agents again approach, harass or intimidate Ms Friis and her friends without a lawful Order supported by a sworn Affidavit, Ms Friis is empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's participating employees in the amount of \$1,000,000 each.
- z. The acts of the City and its Agents warrant an investigation by the Grand Jury.


 William Charles Pattison, Commission # 1582605
 Notary Public California ; San Mateo County
 910 South Grant Street
 San Mateo, CA 94402

SEAL



Protest Fee discharged

CERTIFICATE OF SERVICE

On the date displayed below I placed the documents listed below in a sound envelope, sealed it, attached adequate Postage fee and mailed it via USPS to: Tracking # 002chf

by: Certified Mail 7004 1160 0006 8750 3880

by: Proof of Mailing

CITY OF SAN JOSE
200 E. SANTA CLARA ST.
SAN JOSE, CA 95113

CITY OF SAN JOSE
170 WEST SAN CARLOS STREET
SAN JOSE, CA 95113

attn: Mayor, City Council

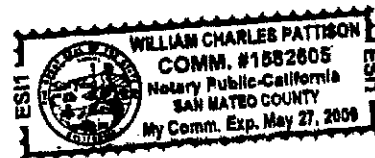
attn: Mayor, City Council

002chf SJ Certificate of Service (this page) (1 pg)
002chf SJ Notice of Protest (1 pg)
002chf SJ Certificate of Protest (proposed) (2 pg)
001chf Certificate of Service, Feb 8, 08 &
included documents (6 pgs)

Total Number of Pages - 10

Date: February 20, 2008

I certify that the above Mailings occurred as stated.



SEAL

William Charles Pattison, Commission # 1582605
Notary Public California ; San Mateo County
910 South Grant Street
San Mateo, CA 94402

CITY OF SAN JOSE
200 E. SANTA CLARA ST.
SAN JOSE, CA 95113

Tracking # 002chf Notice of Protest
Certified Mail: 7004 1160 0006 8750 3880

attn: Mayor Chuck Reed & City Council Members Pete Constant, Forrest Williams, Sam Liccardo, Kansen Chu, Nora Campos, Pierluigi Oliverio, Madison Nguyen, David D. Cortese, Judy Chirco, Nancy Pile or successors.

NOTICE OF PROTEST & OPPORTUNITY TO CURE

1. Be it known by this Notice of Protest that on the date noted below, Carolyn H. Friis (hereinafter 'Ms Friis') did request that I issue a Notice of Protest due to the lack of response by the City of San Jose to her 001chf sj Letter and 001chf sj Affidavit (2 pgs) (copies attached) served on the City of San Jose on February 8, 2008. Carolyn H Friis has notified me that she has not received any response to or rebuttal of her Letter and Affidavit of Feb 8, 2008 from the City or it's Agents.

2. Based on Ms Friis' Letter and Affidavit and the fact that I have **NO** knowledge of **NOR** have I been presented with any material fact or evidence rebutting Ms Friis' Letter and Affidavit I am issuing this Notice of Protest/NonResponse. Ms Friis says that your failure to respond to her Letter and related Affidavit is being accepted as evidence of knowing and intentional default and that you have agreed to the terms of Ms Friis' Letter, Affidavits, etc. and stipulate to the proposed '002chf sj Certificate of Protest / Judgment.' Copy attached.

3. You have the right to cure this default by promptly rebutting Carolyn H. Friis' Letter and Affidavit dated February 8, 2008, copy attached. Any rebuttal must be in like manner; ie, under oath. Should you fail to cure this default /dishonor within 5 days of receipt of this Notice of Protest Ms Friis has asked me, a Notary Public for the Sate of California to issue a Certificate of Protest / Judgment pursuant to California Commercial Code 3505. A copy of the proposed Judgment; '002chf sj Certificate of Protest / Judgment' is attached.

4. Any response should be mailed to the address shown below.

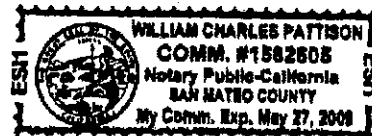
Thank you for your attention to this matter.

Date: February 20, 2008

I certify that the mailing was carried out as stated above.

 SEAL

William Charles Pattison, Commission # 1582605
Notary Public California; San Mateo County
910 South Grant Street
San Mateo, CA 94402



Protest Fee discharged

002chf SJ Notice of Protest

CERTIFICATE OF PROTEST / JUDGMENT

Tracking # 002chf sj Certificate of Protest / Judgment

CITY OF SAN JOSE, a corporation and its Agents.

vs

Carolyn H Friis, private Citizen and Creditor

As a Notary Public for the State of California, County of San Mateo, I hereby issue this Certificate of Protest; Judgment, Stipulation, Consent Agreement, Contract (hereinafter 'Judgment') pursuant to California Commercial Code 3505 in favor of Carolyn H Friis (hereinafter 'Ms Friis') against the City of San Jose, it's Mayor and each member of the City Council and each employee involved in the ultra vires raid on November 14, 2008 on the private property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property').

Ms Friis has notified me that she has no knowledge of nor has she been presented with any material fact or evidence that the City of San Jose or any of it's agents have rebutted or even responded to Ms Friis' Presentments served on the City on February 8, 2008 (001chf sj, copies attached) and on February 20, 2008. I have no evidence that the foregoing is not true, correct and not misleading.

Therefore, due to lack of rebuttal, response or objection by the City of San Jose or it's Agents to Ms Friis' presentments the following Certificate of Protest / Judgment is issued:

The City of San Jose, the Mayor and the City Council agree that:

a. the corporate City of San Jose is a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.

b. the corporate City of San Jose does not have authority to exert acts of ownership and control over the property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property')

c. the corporate City of San Jose has no interest, ownership or other in the subject property.

d. the raid and search of the subject property on November 14, 2007 was done only under the color of law without support of a sworn Affidavit of Probable Cause.

e. the Mayor, each City Council member and each employee participating in the raid on the subject property on November 14, 2007 did so under color of law, statute, ordinance, regulation, and custom and did willfully, knowingly and intentionally conspire to oppress, threaten, and intimidate Ms Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.

f. The corporate City of San Jose and it's Officers/Employees are individually and collectively liable for damages to Ms Friis, her friends and the subject property as the result of the unlawful raid.

g. the armed impersonators who raided the subject property have not taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

h. The Citation # J 3147256 and any other Citations purportedly issued on November 14, 2007 is/are null and void ab initio.

- i. the proceeding against Ms Friis is a commercial proceeding governed by commercial law.
- j. Ms Friis' signature does not appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution or the State of California.
- k. Carolyn H. Friis is not the Trustee of the Guadalupe Acres Trust.
- l. Carolyn H. Friis is the Beneficiary of the Guadalupe Acres Trust.
- m. The Supreme Court did rule that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see Palazzolo v. Rhode Island 533 US 606, 150 L.Ed. 2d 592, 121 S.Ct. ____ (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both Lucas v. South Carolina Coastal Council, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butterfly activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and Monterey v. Del Monte Dunes, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. ____ (1998). In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale.
- n. all parties involved in a proceeding must participate in and seek non-judicial, private administrative resolution before seeking judicial review.
- o. Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal.
- p. an affidavit sworn true, correct and complete stands as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.
- q. failure of an entity to supply information which it can provide or construct, supports an inference that those materials if unearthed would contradict the position of the entity.
- r. City of San Jose silence to Ms Friis' Affidavits, Counterclaims, etc (hereinafter 'Affidavits') means City acquiescence to Carolyn H Friis' Affidavits in a manner most favorable to Ms Friis and her friends.
- s. In Commerce, Truth is sovereign.
- t. An un-rebutted Affidavit stands as Truth in Commerce.
- u. No more than an affidavit is necessary to make the prima facia case.
- v. Silence is equated to agreement and acceptance.
- w. Ms Friis has exhausted her Administrative Remedies and may seek remedy; Judicial or otherwise as provided by the law.
- x. In harmony with Monterey v. Del Monte Dunes, 526 US 687 (1999), supra, Ms Friis is empowered to make a claim upon the official bond or insurance of the City of San Jose in the amount of \$8,000,000.
- y. If the City of San Jose or any Agents again approach, harass or intimidate Ms Friis and her friends without a lawful Order supported by a sworn Affidavit, Ms Friis is empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's participating employees in the amount of \$1,000,000 each.
- z. The acts of the City and its Agents warrant an investigation by the Grand Jury.

SEAL

William Charles Pattison, Commission # 1582605
Notary Public California ; San Mateo County
910 South Grant Street
San Mateo, CA 94402

Protest Fee discharged

CERTIFICATE OF SERVICE

On the date displayed below I placed the documents listed below in a sound envelope, sealed it, attached adequate Postage fee and mailed it via USPS Certified Mail 7004 0750 0000 3563 7779 to:

CITY OF SAN JOSE
170 West SAN CARLOS STREET
SAN JOSE, CA 95113

Tracking # 001chf

attn: Mayor and City Council doing business under FEINs 946000419; 770250396 or 942944864

001chf SJ Certificate of Service (this page)	(1 pg)
001chf SJ Letter	(1 pg)
001chf SJ Affidavit	(2 pgs)
001chf letter frm City dated January 17, 2008	(1 pg)
001chf Citation dated November 14, 2007	(1 pg)

Total Number of Pages - 6

Date: February 8, 2008

I certify under penalty of perjury that the above occurred as stated.

by: Hugh Smith

CITY OF SAN JOSE
170 WEST SAN CARLOS STREET
SAN JOSE, CA 95113

February 8, 2008

Certified Mail 7004 0750 0000 3563 7779

attn: Mayor and City Council doing business under FEINs 946000419; 770250396 or 942944864

Dear Sirs/Madams

On November 14, 2007 nine armed actors; John and Jane Does 1 to 100 purporting to be employees of the public agency City of San Jose trespassed on posted private property at 1752 Guadalupe Ave, San Jose, California and conducted a Search as though they had a lawful Search Warrant. Without provocation they proceeded to harass, intimidate and threaten myself and other individuals who were present.

None of the trespassers displayed evidence that he/she had taken the Oath of Office required by Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

The armed impersonators did not display a Search Warrant based on probable cause supported by oath or affirmation as required by the 4th Amendment to the Constitution for the United States of America and by Article I Section 13 of the California Constitution.

Were not all of the actions of the impersonators clear violations of the sanctity of my home in willful premeditated violation of the guarantees of the protections of Article 4 of the Constitution for the United State and Article 1, Section 1 of the Constitution for the State of California?

In addition to banning acts of Terrorism does not California law prohibit cities and counties from enforcing city or county codes and ordinances upon property that is not **OWNED** by the city or county - even if the property is within city limits?

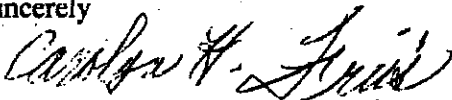
What is particularly disturbing is that it appears that it is the City of San Jose's long time policy to conduct terrorist like raids as described above without lawful probable cause for the purpose of harassing, intimidating and threatening good Californians for corporate city purposes. Honestly, now I know what it must feel like to raped, violated and abused.

Demand is hereby made that the City of San Jose produce the foundation documentation within Five (5) days from your receipt of this petition that establishes dispositively your corporation's claim of right superior to the Trust's claim and possession of the subject property

If you are unable or refuse to produce the evidentiary proof of your corporate agency's superior claim to the subject property within the allotted time frame won't sufficient proof be established for a claim of restitution for all damages, civil and criminal sustained under the terrorist like raid of November 14, 2007 described herein and establish that a breach of my personal close (trespass vi et armis) is called for as provided for under Article 1, Section 28 of the California Constitution?

If you decide not to rebut in like form this letter and the accompanying Affidavit (001chf Affidavit) within 5 days of receipt of this letter it will accepted as evidence that you agree with the content of these documents in a manner most favorable to me and my friends.

Sincerely



Carolyn H. Friis
1752 Guadalupe Ave
San Jose, California

California)
) AFFIDAVIT Tracking # 001chf Affidavit
 Santa Clara County)

1. Affiant affirms that she is over the age of 18 years, is competent to state to the matters in this affidavit, has first hand knowledge of the facts stated herein and affirms that to the best of her knowledge the statements made in this affidavit are true, correct, complete, and not meant to mislead.

2. Affiant has **NO** knowledge of **NOR** has she been presented with any material fact or evidence that:

a. the City of San Jose is not a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.

b. corporate municipalities such as the City of San Jose do not have authority to exert acts of ownership and control over property that is not **OWNED** by them.

c. the corporate City of San Jose owns the property located at 1752 Guadalupe Dr, San Jose, California.

d. the raid and search of the property at 1752 Guadalupe Dr, San Jose (hereinafter "subject property") on November 14, 2007 was not done under mere color of law without support of an Affidavit of Probable Cause under oath or affirmation.

e. the Mayor, City Council and other Officers participating in the raid on the subject property on November 14, 2007 did not under color of law, statute, ordinance, regulation, and custom willfully and intentionally conspire to oppress, threaten, and intimidate Carolyn H Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.

f. The City of San Jose and it's Officers are not individually and collectively, publicly and privately liable for compensation for damages to Carolyn H Friis, her friends and the subject property as the result of the raid on November 14, 2007 on the subject property.

g. the armed impersonators who raided the subject property on November 14, 2007 have taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

h. The Citation # J 3147256 purportedly issued on November 14, 2007 is not a counterfeited security which is null and void ab initio.

i. the proceeding against Carolyn H Friis is not a commercial proceeding governed by commercial law.

j. Carolyn H. Friis entered into any agreements with the City of San Jose or Michael Hannon nor does her signature appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution of the State of California.

k. Carolyn H. Friis is the Trustee of the Guadalupe Acres Trust.

l. Carolyn H. Friis is not the Beneficiary of the Guadalupe Acres Trust.

m. the Supreme Court did not rule that municipalities cannot exert any acts of ownership and control over property that is not **OWNED** by them, see Palazzolo v. Rhode Island 533 US

606, 150 L.Ed. 2d 592 (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both Lucas v. South Carolina Coastal Council, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butterfly activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and Monterey v. Del Monte Dunes, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. ____ (1998) (In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale).

n. all parties involved in a proceeding must not seek non-judicial, private administrative resolution before seeking judicial review.

o. Notice to Principal is not Notice to Agent and Notice to Agent is not Notice to Principal.

p. an affidavit sworn or affirmed true, correct, complete, certain and not misleading. does not stand as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.

q. failure of an entity to supply information which it can provide or construct does not support an inference that those materials if unearthed would contradict the position of the entity.

r. Agency silence to Affiant's Affidavits, Counterclaim/s, etc (hereinafter 'Claims') will not mean Agency acquiescence to Affiant's Affidavits/Claims in a manner most favorable to Affiant and the Account.

s. that a failure to deny the facts and evidence contained in this document is not classified as an admission to said facts and evidence.

t. in Commerce, Truth is not sovereign.

u. an un-rebutted Affidavit does not stand as Truth in Commerce.

v. no more than affidavit is necessary to make the prima facia case.

w. an Affidavit does not stand as truth in commerce and becomes the law of the proceeding unless rebutted point for point by Affidavit.

x. Silence is not equated to agreement and acceptance

y. Affiant is not empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's employees in the amount of \$1,000,000 each.

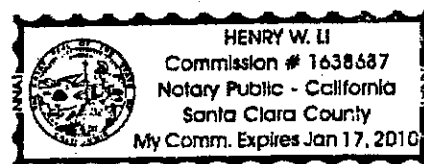
Further Affiant sayeth not.

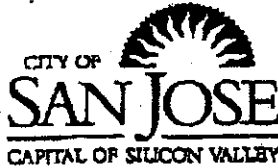
Carolyn H. Friis
Carolyn H. Friis

JURAT: State of California, County of Santa Clara

ss: Subscribed and sworn to (or affirmed) Before me on this 8 th day of February, 2008 by Carolyn H. Friis ~~personally known to me or~~ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Henry W. Li
Notary seal:





Department of Planning, Building and Code Enforcement
JOSEPH HOKWEDDEL, DIRECTOR

January 17, 2008

Carolyn H. Friis, Trustee
Guadalupe Acres Trust
1752 Guadalupe Avenue
San Jose, CA 95125-1227

Dear Ms. Friis:

RE: 1752 GUADALUPE AVENUE

It was a pleasure meeting with you yesterday, January 16, 2008. As a result of our meeting, I have agreed to dismiss criminal citation #1311238 and, in return, you have agreed to complete the following items by no later than March 18, 2008:

1. Remove the two rear accessory structures (measuring 28' x 13' and 16' x 16') or reduce both accessory structures to 120' square feet or less.
2. Remove all decking from the garage conversion and side addition and use the garage conversion and side addition as a sleeping area.
3. Allow re-inspection of the property, and all structures, on or by March 18, 2008.

Anticipating that the above items are corrected by that date, we will discuss a compliance schedule to address the remaining code violations including the rear addition to the garage, the conversion of the garage, the patio overhang and the sunroom. I have included a copy of the Building Inspector's report, for your reference.

I am looking forward to your cooperation in correcting these long-standing code violations. Should you have any questions or any new information regarding this case, please contact me free to contact Code Enforcement Inspector James Young at (408) 277-8427.

Sincerely,

Michael Hannon, Code Enforcement Official
Planning, Building and Code Enforcement

MH:JY:sck

SAN JOSE POLICE DEPARTMENT MISDEMEANOR CITATION NO. **No. J 3147856**

NOTICE TO APPEAR ☐ Traffic ☐ Nontraffic

DATE OF VIOLATION **11-14-07** TIME **9:00 AM** DAY OF WEEK **S M T W T F S** CASE NUMBER

NAME (FIRST, MIDDLE, LAST) **CAROLYN HAZEL FRANK** DRIVER'S RESIDENCE (Mtl. Code 1 0001)

ADDRESS **P.O. Box 1767**

CITY **LOWER MERCEDES CA 95071** ZIP CODE

DRIVER'S LIC. NO. **V803242** STATE **CA** AGE **47** BIRTHDATE **11-17-60** ALIEN/VEHICLE (Phone No.)

SEX **F** HAIR **BLK** EYES **BRN** WEIGHT **116** RACE **W** OTHER DESCRIPTION

VEH. LIC. NO. OR VIN STATE

YR OF VEH. MAKE MODEL BODY COLOR

EVIDENCE OF FINANCIAL RESPONSIBILITY

NEEDS DRIVER'S LICENSE

VEH. AS DRIVER

STATE ZIP CODE

CONVICTION VIOLATION (Mtl. Code 1 0010) ☐ BOOKING NUMBER

VEH. AND CODE AND SECTION DESCRIPTION

☒ **20-10-0300 CONVICTION RECEIVED**

☒ **17-20-9000 MTRC OCCUPANCY**

☐ **MI**

SPEED APPROX. P.P. MAX. SPD. VIO. TYPE SAFE ☐ RADAR ☐ LASER # WEAR N

LOCATION OF VIOLATION

AT **1750 CALIFORNIA AVE S.W.** W

COMMENTS (WEATHER, ROAD, AND TRAFFIC CONDITIONS) **CA 95071** INCIDENT

DECLARATION: I, the undersigned, being of legal age and of sound mind, do hereby declare that the information furnished herein is true and correct.

ARRESTING OR CITING OFFICER **11/14/07** BADGE NO. **621** DATE OFF

NAME OF ARRESTING OFFICER IF DIFFERENT FROM CITING OFFICER BADGE NO. **621** DATE OFF

WITH MY ADMITTING GUILTY, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

Signature: C.H. Frank

DATE **11-14-07** TIME **9:00 AM**

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE: ☐ CRIMINAL JUSTICE COURT ☐ JUVENILE MISD. ☐ TRAFFIC COURT

180 W. HODGE **2010 N. First Street** **935 Ruff Dr.**

San Jose, CA 95131 **San Jose, CA 95134** **San Jose, CA 95110**

(408) 808-6500 **(408) 435-2275** **(408) 808-3100**

☐ TO BE NOTIFIED

FOR COURT USE ONLY

FOR COURT USE ONLY

NOTICE TO APPEAR: Form approved by the Judicial Council of California. 200-15 (Rev. 03/01/04) (Rev. 04/99 4050000, 4051200, 40522 90000, Part Code's 0019)

DEFENDANT COPY **SEE REVERSE** **TR-130**

EXHIBIT B

Carolyn H Friis
1752 Guadalupe Ave
San Jose, California 95113

FILED

MAR 10 P 3:23

UNITED STATES DISTRICT COURT
NORTHERN CALIFORNIA - San Jose Division

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.J.

Carolyn H Friis
Judgment Creditor

Case No. CV 08-80027 MISC RMW

v
CITY OF SAN JOSE, a corporation
dba FEIN 946000419,
770250396, 942044864, et al
Judgment Debtor

Notice of Public Recording/Filing of
APOSTILLED JUDGMENT

Please take notice that I have recorded in the US District Court - No. California, San Jose Division as a Miscellaneous Matter "005chf SJ Apostille" (4 pgs) which was issued on March 7, 2008 and was served on the City of San Jose on March 10, 2008. This Apostille is the result of Private Administrative Proceeding/Alternate Dispute Resolution between Carolyn H Friis and the CITY OF SAN JOSE, a corporation as shown on 004chf SJ Notice of Public Filing/Recording of Foreign Judgment.

Judgment Creditor Carolyn H Friis will use the Foreign Judgment in future proceedings as needed. Any tampering with this Judgment requires the same security for satisfaction of the Judgment which is required in the State of California.

Said Apostille is established under Seal # 506970 of the Secretary of State, State of California.

A copy of this recording will be served this date on City of San Jose, 200 E. Santa Clara St, San Jose, CA 95113; attn: Mayor Chuck Reed (or successor) and City Council and the City of San Jose, Department of Planning, Building and Code Enforcement, attn: Michael Hannon, 170 W. San Carlos St, San Jose, CA 95113. Copy of Proof of Service available upon request.

Carolyn H. Friis
Carolyn H Friis, Judgment Creditor

attachments: 005chf SJ Apostille (4 pg)

005chf SJ Notice of Public Filing/Recording of Apostilled Foreign Judgment

State of California



SECRETARY OF STATE

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America
This public document
2. has been signed by Madeleine Bruley
3. acting in the capacity of Deputy Assessor-County Clerk-Recorder,
County of San Mateo, State of California
4. bears the seal/stamp of the County of San Mateo,
State of California

CERTIFIED

5. At San Francisco, California
6. the 7th day of March 2008
7. by Deputy Secretary of State, State of California
8. No. 506970
9. Seal/Stamp:



10. Signature

John Bowen
Secretary of State

BY

[Signature]



cus hf ST

Apostille

STATE OF CALIFORNIA
COUNTY OF SAN MATEO ss

I, WARREN SLOCUM, Assessor-County Clerk-Recorder, County of San Mateo, State of California, having by law a seal,

Do HEREBY CERTIFY, That WILLIAM CHARLES PATTISON
whose name is subscribed to the Certificate of the proof or acknowledgment of the annexed instrument and thereon written, was at the time of taking such proof or acknowledgment, a Notary Public in and for said County, residing therein, duly commissioned and sworn, and duly authorized by the laws of said state to administer oaths, take acknowledgments and proofs of deeds or conveyances for land, tenements or hereditaments in said State, to be recorded therein. And further that I am well acquainted with the handwriting of such Notary Public, and verily believe that the signature to said Certificate of proof or acknowledgment is genuine, and that said instrument is executed and acknowledged according to the laws of said State. I further certify that an impression of the seals of Notaries Public is not required by law to be filed in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the

Assessor-County Clerk-Recorder, this 07 day of March, 2008.

Warren Slocum

WARREN SLOCUM, Assessor-County Clerk-Recorder

By Madeleine Bruley
Deputy Clerk for the County of San Mateo

Madeleine Bruley

CERTIFICATE OF PROTEST / JUDGMENT

Tracking # 002chf sj Certificate of Protest / Judgment

CITY OF SAN JOSE, a corporation and its Agents.

vs

Carolyn H Friis, private Citizen and Creditor

As a Notary Public for the State of California, County of San Mateo, I hereby issue this Certificate of Protest; Judgment, Stipulation, Consent Agreement, Contract (hereinafter 'Judgment') pursuant to California Commercial Code 3505 in favor of Carolyn H Friis (hereinafter 'Ms Friis') against the City of San Jose, it's Mayor and each member of the City Council and each employee involved in the ultra vires raid on November 14, 2007 on the private property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property').

Ms Friis has notified me that she has no knowledge of nor has she been presented with any material fact or evidence that the City of San Jose or any of it's agents have rebutted or even responded to Ms Friis' Presentments served on the City on February 8, 2008 (001chf sj, copies attached) and on February 20, 2008. I have no evidence that the foregoing is not true, correct and not misleading.

Therefore, due to lack of rebuttal, response or objection by the City of San Jose or it's Agents to Ms Friis' presentments the following Certificate of Protest / Judgment is issued:

The City of San Jose, the Mayor and the City Council agree that:

a. the corporate City of San Jose is a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.

b. the corporate City of San Jose does not have authority to exert acts of ownership and control over the property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property')

c. the corporate City of San Jose has no interest, ownership or other in the subject property.

d. the raid and search of the subject property on November 14, 2007 was done only under the color of law without support of a sworn Affidavit of Probable Cause.

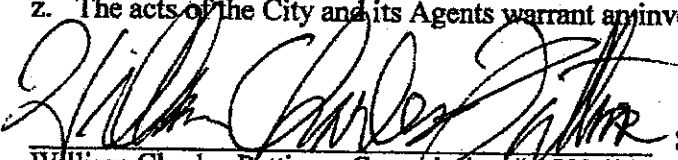
e. the Mayor, each City Council member and each employee participating in the raid on the subject property on November 14, 2007 did so under color of law, statute, ordinance, regulation, and custom and did willfully, knowingly and intentionally conspire to oppress, threaten, and intimidate Ms Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.

f. The corporate City of San Jose and it's Officers/Employees are individually and collectively liable for damages to Ms Friis, her friends and the subject property as the result of the unlawful raid.

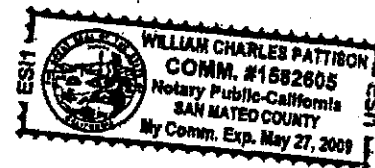
g. the armed impersonators who raided the subject property have not taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

h. The Citation # J 3147256 and any other Citations purportedly issued on November 14, 2007 is/are null and void ab initio.

- i. the proceeding against Ms Friis is a commercial proceeding governed by commercial law.
- j. Ms Friis' signature does not appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution or the State of California.
- k. Carolyn H. Friis is not the Trustee of the Guadalupe Acres Trust.
- l. Carolyn H. Friis is the Beneficiary of the Guadalupe Acres Trust.
- m. The Supreme Court did rule that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see Palazzolo v. Rhode Island 533 US 606, 150 L.Ed. 2d 592, 121 S.Ct. ____ (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both Lucas v. South Carolina Coastal Council, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butterfly activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and Monterey v. Del Monte Dunes, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. ____ (1998). In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale.
- n. all parties involved in a proceeding must participate in and seek non-judicial, private administrative resolution before seeking judicial review.
- o. Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal.
- p. an affidavit sworn true, correct and complete stands as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.
- q. failure of an entity to supply information which it can provide or construct, supports an inference that those materials if unearthed would contradict the position of the entity.
- r. City of San Jose silence to Ms Friis' Affidavits, Counterclaims, etc (hereinafter 'Affidavits') means City acquiescence to Carolyn H Friis' Affidavits in a manner most favorable to Ms Friis and her friends.
- s. In Commerce, Truth is sovereign.
- t. An un-rebutted Affidavit stands as Truth in Commerce.
- u. No more than an affidavit is necessary to make the prima facia case.
- v. Silence is equated to agreement and acceptance.
- w. Ms Friis has exhausted her Administrative Remedies and may seek remedy; Judicial or otherwise as provided by the law.
- x. In harmony with Monterey v. Del Monte Dunes, 526 US 687 (1999), supra, Ms Friis is empowered to make a claim upon the official bond or insurance of the City of San Jose in the amount of \$8,000,000.
- y. If the City of San Jose or any Agents again approach, harass or intimidate Ms Friis and her friends without a lawful Order supported by a sworn Affidavit, Ms Friis is empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's participating employees in the amount of \$1,000,000 each.
- z. The acts of the City and its Agents warrant an investigation by the Grand Jury.


 William Charles Pattison, Commission # 1582605
 Notary Public California ; San Mateo County
 910 South Grant Street
 San Mateo, CA 94402

SEAL



Protest Fee discharged